City of Newark

Legislation Text

File #: 23-1980, **Version:** 1

Dept./ Agency: Public Safety/Division of Police
Action: (X) Ratifying (X) Authorizing ( ) Amending
Type of Service: Exception to Public Bidding - specific exception - N.J.S.A. 40A:11-5(1)(dd)
Purpose: To provide Support and Maintenance of Proprietary Software.
Entity Name: Enforsys Police Systems, Inc.
Entity Address: 27 Bleeker Street, Suite 222, Millburn, New Jersey 07041
Contract Amount: Not to exceed $500,000.00
Funding Source: 2022 Budget/Department of Public Safety, Police Division/NW011-190-1902-72220 B2022
Contract Period: January 1, 2024 through December 31, 2025 with two (2), one (1) year options to renew, with the approval and authorization of the Municipal Council
Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS
( ) Fair & Open (X) No Reportable Contributions ( ) RFP ( ) RFQ
( ) Private Sale ( ) Grant ( ) Sub-recipient (X) N/A
Additional Information:
This contract is an exception to Public Bidding with specific exception, pursuant to N.J.S.A .40A:11-5(1)(dd).

WHEREAS, the Department of Public Safety, Police Division, is committed to providing an efficient and effective means to track and dispatch calls for service, improve system performance monitoring, technical assistance enhancement and improved analysis and visualization capabilities; and

WHEREAS, the Director of the Department of Public Safety, desires to enter into a contract with Enforsys Police Systems. Inc., 27 Bleeker Street, Suite 222, Millburn, New Jersey 07041 ("Enforsys"), to provide maintenance services and upgrades of the Records Management System and Computer Aided Dispatch System, which are proprietary software programs, in order to maintain the software's overall operational health, for an amount not to exceed Five Hundred Thousand Dollars and Zero Cents ($500,000.00) ($450,000.00 of which is designated as support and maintenance with the additional $50,000.00, as an optional cost, if needed) for the period commencing January 1, 2024, and terminating December 31, 2025, with two (2) one (1) year options to renew; and

WHEREAS, this maintenance agreement is essential for the Department of Public Safety, Division of Police to continue to utilize the Records Management System and Computer Aided Dispatch System; and

WHEREAS, Enforsys owns the rights to the software utilized for the Newark Police Division Records Management System and Computer Aided Dispatch System, and is engaged in the business of providing various maintenance and support services on said hardware and software; and

WHEREAS, Enforsys has represented that they are qualified by their training and experience to provide the required services and that they have the exclusive right to make and sell these services, which the Director of the Department of Public Safety certifies is essential and necessary for it to conduct its affairs and the Municipal Council concurs the services are necessary for the conduct of the City's affairs, pursuant to N.J.S.A. 40A:11-2(39); and

WHEREAS, pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(dd), such a contract for proprietary computer system may be awarded as the provision or performance of goods or services is for the support and/or maintenance of proprietary computer hardware and/or software; and

WHEREAS, the Director of the Department of Public Safety has determined and certified in writing that the value of this contract will exceed $17,500.00; and

WHEREAS, this contract is being awarded pursuant to a "Non-Fair and Open" Process, pursuant to State Play-to-Play Law, N.J.S.A.19:44A-20.5 and is in compliance with the Contractor Pay-to-Play Reform Ordinance 2:4-22C.1; and

WHEREAS, Enforsys, has completed and submitted a Business Entity Disclosure Certification, which certifies that Enforsys has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one (1) year, and this contract will prohibit Enforsys from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Municipal Council hereby authorizes the Mayor of the City of Newark and/or his designee, the Director of the Department of Public Safety, Police Division, to enter into and execute a contract with Enforsys Police Systems, Inc., 27 Bleeker Street, Suite 222, Millburn, New Jersey 07041, for the provision of maintenance and support services and upgrades of the Records Management System and the Computer Aided Dispatch System, which are proprietary software programs, in order to maintain the software's overall operational health, for an amount not to exceed Five Hundred Thousand Dollars and Zero Cents ($500,000.00) ($450,000.00 of which is designated as support and maintenance with the additional $50,000.00, as an optional cost if needed) for the period commencing on January 1, 2024, and terminating on December 31, 2025, with two (2) one (1) year options to renew, subject to Municipal Council approval.

2. This contract is ratified from January 1, 2024, to the date of the adoption of this authorizing Resolution.

3. Pursuant to N.J.A.C. 5:30-5.5(a), Temporary Budget, attached is the Chief Finance Officer's Certification, which states partial funds in the amount of Five Thousand Dollars and Zero Cents ($5,000.00) are available in the 2024 Temporary Budget (Department of Public Safety, Division of Police/NW011-190-1902-72220 B2024), the balance for year one will be subject to appropriation in the 2024 Adopted Budget. The Certification shall be filed, along with the original Resolution and the executed contract in the Office of the City Clerk. Funding beyond the Temporary Budget is subject to the availability and appropriation of funds. After adoption of the 2024 Budget, a certificate of availability of funds shall be prepared for the remaining balance of the entire contract and same shall

be filed together with this Resolution in the Office of the City Clerk.

4. This contract is being awarded pursuant to the Non-Fair and Open Procedures of State Pay-to Play Law, N.J.S.A. 19:44A-20.5, and pursuant to the provisions of Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(dd) and is in compliance with the Contractor Pay-to-Play Reform Ordinance 2:4 -22C.1, the Director of the Department of Public Safety certifies that the services are essential and necessary for the conduct of its affairs and the Municipal Council concurs that the services are necessary for the conduct of the City's affairs, pursuant to N.J.S.A. 40A:11-2(39).

5. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.

6. The Business Entity Disclosure Certification and the Determination of Value are attached in support of this Resolution and shall be placed on file with the Office of the City Clerk by the Director of the Department of Public Safety.

7. A duly executed copy of the contract shall be filed in the Office of the City Clerk by the Director of the Department of Public Safety.

8. Notice of this action shall be published in the newspaper authorized to publish legal advertisements and as required by the law within ten (10) days of the date of adoption.

STATEMENT

This Resolution ratifies and authorizes the Mayor of the City of Newark and/or his designee, the Director of the Department of Public Safety, Police Division, to enter into and execute a contract with Enforsys Police Systems, Inc., 27 Bleeker Street, Suite 222, Millburn, New Jersey 07041, for the provision of maintenance and support services and upgrades of the Records Management System and the Computer Aided Dispatch System, which are proprietary software programs in order to maintain the software's overall operational health, for an amount not to exceed $500,000.00 ($450,000.00 of which is designated as support and maintenance with the additional $50,000.00, as an optional cost if needed) for the period commencing on January 1, 2024, and terminating on December 31, 2025, with two (2), one (1) year options to renew.